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October 18, 2007

The Honorable Denny Chin
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

USDC SDNY
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Re: Christopher Fernandez v. Joseph Smith et al.
07 Civ. 6310 (DC)

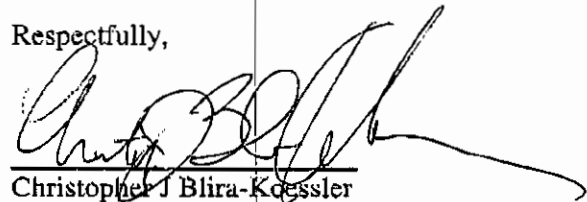
Your Honor:

I am assigned to respond to the above-referenced petition for a writ of habeas corpus. At present, my response must be filed by October 23, 2007. However, for the following reasons, I will not be able to complete my response by that date. Since I was assigned this petition on August 6, 2007, I have filed a response to another petition for a writ of habeas corpus (Anthony Forte v. LaClair, 07 Civ. 2553), a respondent's brief in the Appellate Division, First Department (People v. Freddie Velasquez, 1561/2004), a response to a motion to set aside a sentence pursuant to NYCPL 440.20 (People v. Arvin Collins, 1447/99), and a response to an application seeking leave to appeal to the New York State Court of Appeals (People v. Juan Rivera, 1561/2004). Additionally, I am also working on a response to a 165 page appellant's brief filed in the Appellate Division, First Department (People v. Dion McIntosh, 2691/2001). Moreover, since I did not handle this case on direct appeal in state court, I have had to familiarize myself with the lengthy record generated at trial. Given my past and present workloads, I respectfully request a nine day extension until November 1, 2007 to file my response. I have spoken with petitioner's attorney, Lloyd Epstein, and he has agreed to a nine-day extension on the condition that his time to file a reply be extended from November 13, 2007 until November 22, 2007.


This is our second request for an adjournment. This Court granted our first request for an adjournment from August 24, 2007 until October 23, 2007.

Thank you very much for your time and consideration in this matter. If there are any questions, please do not hesitate to contact me at 718-590-2322.

Respectfully,


Christopher J. Blira-Koessler
Assistant District Attorney

cc: Lloyd Epstein, Esq.

Approved.
SO ORDERED,


WPS
10/18/07